

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION**

ECIMOS, LLC,)	
)	
Plaintiff,)	
)	Case No. 2:15-cv-02726-JPM-cgc
v.)	
)	
CARRIER CORPORATION,)	
)	
Defendant.)	

**ORDER ADOPTING REPORT OF THE SPECIAL MASTER REGARDING THE
SECOND AUDIT OF THE NON-INFRINGEMENT RUN TEST SOLUTION**

The Report of the Special Master Regarding the Second Audit of the Non-Infringing Run Test Solution was docketed on October 18, 2021. (ECF No. 709.) Pursuant to Rule 53(f)(2) and the Court’s Revised Order Memorializing Injunction and Appointing Special Master, the Parties may file objections to a report of the Special Master “within 14 calendar days of the date it was electronically filed; failure to meet this deadline results in permanent waiver of any objection to the Special Master’s findings, reports, or recommendations.” (ECF No. 398 at PageID 11046.) If no Party timely objects, “the findings, reports, and recommendations of the Special Master shall be deemed approved, accepted, and ordered by the Court, unless the Court explicitly provides otherwise.” (Id. at PageID 11046–47.)

Per the Report, the Second Audit revealed that “no ECIMOS protected intellectual property has been introduced to the new run test solution since the completion of the new non-infringing run test solution [and verified that] Carrier continues to use the DSA run test software as a completed implementation of a new non-infringing run test solution in

accordance with the [Court's Orders]." (ECF No. 709 at PageID 15554.) The Special Master, therefore, concludes by recommending that "no further review, inspections, or restrictions are necessary," in light of the "completeness and continued operation of the new non-infringing run test solution and its operation at the Carrier Collierville plant." (Id.)

More than 14 calendar days have passed since the Report was filed, and no Party has filed objections. Therefore, the Court approves and adopts the Special Master's Report and ORDERS that, in accordance with his recommendation, **no further review, inspections, or restrictions as to Carrier or the Carrier Collierville Plant are necessary.**

SO ORDERED, this 5th day of November, 2021.

Jon P. McCalla

JON P. McCALLA
UNITED STATES DISTRICT JUDGE